

Regular Session, 2009

ACT No. 14

HOUSE BILL NO. 671

BY REPRESENTATIVES WILLMOTT, BURFORD, TIM BURNS, CHANEY, HINES,
LANDRY, AND MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and
3 1299.41(A)(10), relative to medical malpractice; to add occupations to the definition
4 of health care provider under the private and state medical malpractice acts; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10)
8 are hereby amended and reenacted to read as follows:

9 §1299.39. Definitions and general application

10 A. As used in this Part:

11 (1)(a) "State health care provider" or "person covered by this Part" means:

12 * * *

13 (ii) A person acting in a professional capacity in providing health care
14 services, by or on behalf of the state, including but not limited to a physician,
15 psychologist, coroner, and assistant coroner who is a licensed physician when acting
16 solely in accordance with the Mental Health Law as provided in R.S. 28:50 et seq.,
17 provided that the premium costs of such malpractice coverage shall be the
18 responsibility of the coroner's office, dentist, registered nurse, licensed practical
19 nurse, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist,
20 physical therapist, laboratory or X-ray technician, social worker, hospital
21 administrator, or licensed professional counselor, who is either:

22 * * *

§1299.41. Definitions and general applications

A. As used in this Part:

* * *

(10) "Health care provider" means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide health care or professional services as a physician, hospital, nursing home, community blood center, tissue bank, dentist, registered or licensed practical nurse or certified nurse assistant, offshore health service provider, ambulance service under circumstances in which the provisions of R.S. 40:1299.39 are not applicable, certified registered nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, psychologist, social worker, licensed professional counselor, licensed perfusionist, or any nonprofit facility considered tax-exempt under Section 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or cancer-related diseases, whether or not such a facility is required to be licensed by this state, or any professional corporation a health care provider is authorized to form under the provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any partnership, limited liability partnership, limited liability company, management company, or corporation whose business is conducted principally by health care providers, or an officer, employee, partner, member, shareholder, or agent thereof acting in the course and scope of his employment.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____